



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,162	06/29/2000	THOMAS B. HALL	102850-11	7115

29127 7590 10/21/2005

HOUSTON ELISEEVA
4 MILITIA DRIVE, SUITE 4
LEXINGTON, MA 02421

EXAMINER

HARRISON, CHANTE E

ART UNIT

PAPER NUMBER

2677

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 21 2005

Technology Center 2600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 15

Application Number: 09/607,162
Filing Date: June 29, 2000
Appellant(s): HALL ET AL.

Maria Eleesva
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/29/2000.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the real party in interest is contained in the brief.

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is deficient because the brief does not include a summary.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-20 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,841,438	CAVE	11-1998
5,690,496	KENNEDY	11-1997
5,889,860	ELLER	3-1999

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4, 6, 11 and 12 are rejected under 35 U.S.C. 102(e) by Cave U.S. Patent 4,841,438, claims 5, 7-10 and 13-16 are rejected under 35 U.S.C. 103(a) over Cave in view of Kennedy and claims 17-20 are rejected under 35 U.S.C. 103(a) over Cave in view of Eller. This rejection is set forth in prior Office Action, Paper No. 12.

(11) Response to Argument

1. With regard to claims 1-4, 6, 11, and 12, which stand finally rejected under 35 U.S.C 102(e) over Cave, Applicant argues Cave fails to teach logically separate graphical and multimedia objects, with regard to claims 1-4, 6, 11 and 12.

IN REPLY, Cave teaches a program product comprising instructions and logic readable and executable by a system, such that the data to be processed includes media objects that are stored on the system as files (col.6, ll. 4-15). Cave also teaches (Fig. 2A) representing icons on a playback grid, where the icons represent a corresponding media object (col. 6, ll. 18-25), such that a graphics icon represents a graphic object and a sound icon represents multimedia data. Thus, the media object files are read, such that they display separate icons, whose representations of differing media objects, including graphical and multimedia, suggest a logical separation of the graphical and multimedia data.

Applicant argues Cave does not disclose the structure of bounding boxes, a termed coined by the Applicant to define a bounding box that is not explicitly shown on the screen when a piece of music is displayed, but implicitly present in the representation of music.

IN REPLY, Cave's disclosure of icons represented as rectangular bars, corresponds to the Applicant's "bounding boxes" in that Cave's rectangular shaped icons are not explicitly shown on the display screen during the display of the media objects as Cave explicitly teaches that the runtime view of the orchestrated script merely allows the designer to see the results (col. 6, ll. 60-67). Hence the display of the rectangular shaped icons, which identify areas of graphics and multimedia data that correspond to the time in which the designer selects to view the orchestrated score, explicitly correspond to the Applicant's coined "bounding boxes" which the Applicant's specification admits at pp. 3, ll. 17-21 that "[the] bounding boxes delineate areas of the graphics that correspond to events in a time stream... [Such that] the bounding boxes are used to position the musical graphics on the screen to insure that the relevant portions of the music are visible when the music is playing."

Applicant argues Cave does not teach each track being a path through a hierarchical structure.

IN REPLY, Cave teaches the bounding boxes, representing the graphic and media objects to be included in the playback score, are arranged such that objects are selectively scheduled for runtime presentation in an overlapping sequence (col. 3, ll. 5-11; col. 4, ll. 35-45). Cave also teaches the bounding boxes (i.e. rectangular shaped icons) are scaled on the screen according to the size of the media object (col. 3, ll. 57-60) and are adaptable in shape in position (col. 4, ll. 3-5), such that the bounding boxes that are selected or manipulated to fill up the pipe of data to be delivered to the display is viewed during runtime/display of the playback score. Thus, Cave's hierarchical bounding boxes directly correspond to that of the Applicant's as the Applicant's specification (pp. 10) indicates that the hierarchy of bounding boxes identifies areas of interest in a time stream, such that the focus/zoom and the synchronization of these areas of interest to time-ordered events is controlled by the bounding boxes.

Applicant argues with respect to claim 3 that Cave does not teach a musical score.

IN REPLY, Cave teaches the playback of a series of media objects on a playback score analogous to a musical score (abstract). Merriam Webster's Collegiate Dictionary tenth edition defines analogous as a similarity. Thus the media objects do not necessarily have to include video, which would result in the icons including graphics, sound, and music as would be in a musical score. Additionally, although Cave may address system playback limitations, his disclosure is not limited to such. Cave

Art Unit: 2677

specifically discloses arranging media objects in a hierarchical manner to achieve playback of the media objects as desired (abstract), where the playback score is analogous to a musical score. Cave's disclosure does not define any limitations for media objects, which implies that the objects may be objects representative of notes, clefs and staves. Therefore the playback score of Cave corresponds to the Applicant's musical score.

2/3. With regard to claims 5, 7-10 and 14-16, Applicant argues these claims cannot be obvious under 35 U.S.C. 103(a) over Cave as applied to claim 1 in view of Kennedy and claims 17-20 cannot be obvious under 35 U.S.C. 103(a) over Cave in view of Eller, since Cave does not disclose a hierarchical structure of bounding boxes, as well as logical separation of the data into a graphical and multimedia data subsets.

Per the arguments presented above with respect to claim 1, Cave discloses a hierarchical structure of bounding boxes, as well as logical separation of the data into a graphical and multimedia data subsets. Therefore the rejections of claims 5, 7-10 and 14-16 are obvious under 35 U.S.C. 103(a) over Cave in view of Kennedy and claims 17-20 are obvious under 35 U.S.C. 103(a) over Cave in view of Eller.


For the above reasons, it is believed that the rejections should be sustained.



Application/Control Number: 09/607,162
Art Unit: 2677

Page 8

Respectfully submitted,

Chante Harrison
Examiner
Art Unit 2672

ceh 
October 12, 2005

Conferees
Michael Razavi 
Jeffrey Brier 

BROWN, RUDNICK, BERLACK & ISRAELS, LLP.
BOX IP, 18TH FLOOR
ONE FINANCIAL CENTER
BOSTON, MA 02111